IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22811 of 2004

Between:

Gogulapati Anjaneyulu, S/o. Sivaramaiah,
R/o.Yadavalli Village, Dornala Mandal, Prakasam District.

... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Dornala Mandal,

Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue Writ Order or direction more particularly one in the nature of Writ of Mandamus, to declare the impugned proceedings of the respondent No.1 dt. 23.11.2004 in Rc. CsS2/4728/2004 rejecting to grant stay of the orders of the proceedings of the 2nd respondent dt. 13.9.2004 in D.Dis. (H)/1824/2004 as illegal, arbitrary, unjust and consequently set aside the proceedings of the 2nd respondent dt. 13.9.2004 in D.Dis(H)1824/2004.

Counsel for the Petitioner: Smt. K.ARUNA

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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O R D E R:

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The petitioner was appointed as a Fair Price Shop dealer of Yadavalli village of Dornala Mandal, Prakasam District. His dealership was suspended by the second respondent, through the order dated 13.09.2004, on the ground that the petitioner is not residing in the village and a benami dealer is selling the commodities at higher price. The petitioner preferred an appeal against the order of suspension, before the first respondent, together with an application for grant of stay. The first respondent passed an order dated 23.11.2004, rejecting the application for grant of stay. Hence, this writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order dated 23.11.2004 passed by the first respondent discloses that except making a reference to the submission of appeal and observing that the matter has been considered, he did not state any reasons while rejecting the application for grant of stay. It is true that extensive reasons are not required to be stated while passing orders. However, the exercise of power to grant stay or refuse cannot be reduced to an empty formality.

A perusal of the order of suspension passed by the second respondent discloses that the petitioner was alleged to be not residing in the village for the past three years and that the commodities are being supplied at a higher rate. If that is so, it is not known as to how the commodities were being supplied to the petitioner by the respondents 2 and 3, without verifying the same. It *prima facie* discloses that the grounds are raked up and pressed into service to suspend the authorization. Taking the totality of the circumstances into account, this Court is of the view that the petitioner deserves to be continued as dealer, till the disposal of the appeal by the first respondent.

Hence, the writ petition is disposed of, directing that the petitioner shall be continued as Fair Price Shop dealer, till the first respondent disposes of the appeal, and that the order of suspension passed against him shall stand stayed. There shall be no order as to costs.

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9th December, 2004

Note: Issue copy in two days.

(B/o)

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To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Dornala Mandal,

Prakasam District.

4. Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two CD copies